

recreation in the contemplative shade of this shrine of Texas liberty.

Respectfully submitted,  
JAS. E. FERGUSON,  
Governor of Texas.

#### Message From the Governor.

Governor's Office,  
Austin, Texas, May 6, 1915.

To the Thirty-fourth Legislature:

I beg respectfully to advise and submit for your consideration the following:

At the Regular Session an Act was duly passed by your body providing for the location of three normal schools. By the terms of said Act it was provided that the Governor, Lieutenant Governor and Attorney General, and two members to be appointed by the Supreme Court, were to constitute a board to locate these schools. I quote below the original letter which I hold in my possession from the members of the court, as follows:

April 15, 1915.

Governor Jas. E. Ferguson, Capitol.

Dear Governor Ferguson: We are advised by the recent Act of the Legislature that under its provisions the Supreme Court is commissioned to select two members of the board charged with determining the locations for the three normal schools authorized by the Act.

While imbued with a sense of deep appreciation of the honor of the appointment and full deference for an Act of the Legislature, we are convinced that this is a duty wholly unrelated to any proper function of the court, and one which it is beyond its province to assume. It would be unwise, in our opinion, for the court to undertake it, or any other duty not strictly within its constitutional powers.

We feel obliged, therefore, with great respect, to decline the appointment.

With high esteem, we have the honor to remain,

Yours sincerely,

(Signed) T. J. BROWN,  
Chief Justice.  
(Signed) NELSON PHILLIPS,  
(Signed) WM. E. HAWKINS,  
Associate Justices.

I submit this for your considera-

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tion and such action as you may deem necessary in the premises.

Respectfully,  
JAS. E. FERGUSON,  
Governor of Texas.

#### Bills and Resolutions.

(By unanimous consent.)

By Senator Page:

S. B. No. 12, A bill to be entitled "An Act to provide for the purchase of certain lands and improvements thereon in Washington County, Texas, the same being lands upon which there has been erected a monument commemorating the fact that at said point was located the first Capitol of Texas, etc., making appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

#### Adjournment.

On motion of Senator Clark, the Senate, at 12 o'clock, noon, adjourned until 10 o'clock tomorrow morning.

#### EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, May 7, 1915.

The Senate met at 10 o'clock, a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answered to their names:

Astin.	Johnson.
Bailey of DeWitt.	Lattimore.
Bailey of Harris.	McGregor.
Bee.	McNealus.
Brelsford.	Morrow.
Clark.	Nugent.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Smith.
Harley.	Suiter.
Harris.	Westbrook.
Henderson.	Wiley.

Absent.

Hudspeth.

McCollum.

**Absent—Excused.**

Conner. Robbins.  
Hall. Townsend.  
King.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson.

**Excused.**

On account of important business: Senator Hall, for today, on motion of Senator Bailey of DeWitt.

**Simple Resolution No. 13.**

By Senator Smith:

I move that Dr. W. B. Collins, State Health Officer, be permitted to come before this Senate, and make a statement concerning the recent newspaper article which referred to his department, which matter was discussed by this body during his absence from the city.

The above was read, and Senator Clark offered the following substitute for same:

Whereas, Dr. Collins, the State Health Officer of Texas, has been attacked by certain newspapers, and accused of diverting certain funds at his disposal; therefore, be it

Resolved, At the request of Dr. Collins, a committee be appointed by the President of the Senate to make a thorough investigation of the report.

The substitute was read and adopted, and the resolution, as substituted, was adopted.

Morning call concluded.

**Senate Bill No. 11.**

(By unanimous consent.)

The Chair laid before the Senate, on second reading,

S. B. No. 11, A bill to be entitled "An Act to appropriate out of the general revenue, not otherwise appropriated, the sum of \$415,000.00 for the purpose of making repairs on and rearrangements of the State Capitol building in the city of Austin, Texas, etc., to create a board consisting of the Governor, Commissioner of the General Land Office, Comptroller and Attorney General, to have general supervision of the mak-

ing of such repairs and rearrangements and the expenditure of such moneys, vesting such board with power to make the necessary contracts, etc., to carry out the purpose of such appropriation, etc., and declaring an emergency."

On motion of Senator Clark, the Senate rule, requiring committee reports to lie over for one day, was suspended for the purpose of considering this bill. (See Appendix for committee report.)

The committee report, that the bill be not printed, was adopted.

Senator Westbrook offered the following amendment:

Amend the bill, by adding after the end of Section 1, the following:

"Provided, that said Capitol building shall be made as near fireproof as possible."

**Simple Resolution No. 14.**

(By unanimous consent.)

Whereas, Hon. W. O. Murray, a distinguished citizen of this State, and a former State Senator, is in the Capitol; therefore, be it

Resolved, That he be invited to address the Senate, and that the privileges and the courtesies of the Senate be extended to him.

Bailey of DeWitt, Morrow, Huds-peth, Astin, McGregor.

The resolution was read and adopted.

Senators Bailey of DeWitt, Huds-peth, and Astin were appointed as a committee to present former Senator Murray to the President's stand, who, after being introduced, addressed the Senate briefly.

**Senate Bill No. 11.**

Action recurred on the pending business, S. B. No. 11, the question being on the amendment by Senator Westbrook.

The amendment was adopted.

Senator Brelsford offered the following amendments:

Amend the bill by striking out, in Section 1 of the bill, all after the words commencing with "in a general way," down to and including "the office of the Governor."

(Signed) BRELSFORD,  
WILEY,  
DARWIN.

The amendment was adopted.

Senator Cowell offered the following amendment:

Amend the bill, by striking out the figures "415,000.00" in the caption and Section 1, and insert in lieu thereof the figures "\$200,000.00."

Senator Suiter offered the following substitute for the amendment:

Amend S. B. No. 11, by striking out the figures "\$415,000.00," and inserting in lieu thereof the figures "\$150,000.00," and to amend the caption to correspond.

Senator Clark moved to table the substitute for the amendment, which motion to table was adopted by the following vote:

Yeas—19.

Bailey of DeWitt.	Hudspeth.
Bailey of Harris.	Johnson.
Bee.	McCollum.
Brelsford.	McGregor.
Clark.	McNealus.
Cowell.	Page.
Darwin.	Parr.
Gibson.	Westbrook.
Harley.	Wiley.
Henderson.	

Nays—5.

Astin.	Smith.
Lattimore.	Suiter.
Morrow.	

Absent.

Harris.	Nugent.
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Absent—Excused.

Conner.	Robbins.
Hall.	Townsend.
King.	

Senator Clark moved to table the amendment.

#### Special Committee Appointed.

The Chair appointed the following committee, as directed by Simple Resolution No. 13:

Senators Clark, Smith, and Westbrook.

#### Adjournment.

On motion of Senator Clark, the Senate, at 12:45 o'clock, p. m., adjourned until 10 o'clock Monday morning.

#### APPENDIX.

##### Committee Reports.

Committee Room,  
Austin, Texas, May 7, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 12,

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and that it be not printed, but printed in the Journal.

DARWIN, Acting Chairman.

Following is the bill in full:

By Page. S. B. No. 12.

#### A BILL

To be entitled

An Act to provide for the purchase of certain lands and improvements thereof in Washington county, Texas, the same being lands upon which there has been erected a monument commemorating the fact that at said point was located the first Capitol of Texas, etc., making an appropriation therefor, and declaring an emergency.

Whereas, The historic town of Washington, the place where the Texas Declaration of Independence was signed, and where the first and last Capitol of Texas was located, is rapidly being deserted owing to decay and neglect; and,

Whereas, Said point is now designated only by a small monument 13 feet 9 inches in height, erected by the school children of Washington county in 1900, and marking the spot where so much important history was made in the gallant fight for freedom from the yoke of Mexican despotism; and,

Whereas, It is the sense of all good and patriotic people of Texas that this historic spot be properly preserved for the benefit not only of this, but of future generations, in commemoration of the Texas Declaration of Independence having been signed there, and the first and last Capitol of the Republic of Texas having been located there, and in commemoration of the fact that said spot is the birthplace of Texas independence

and the place where the first Constitution of the Republic of Texas was framed and adopted and the government ad interim was established; and the fact that it was at this point where the first and last Presidents, David G. Burnet and Anson Jones, were inaugurated; the resolutions for annexation to the United States were adopted at the last Congress of the Republic of Texas, which met on this sacred spot in 1845, and it was at this place that the Convention which declared Texas a free and independent Republic, fully vested with the rights and privileges of independent nations (and the last session of Congress which terminated the Lone Star Republic and merged it into the United States of America) was held; and,

Whereas, The facts that cluster around this ancient town are as valuable as the historic incidents which centered around the Alamo and San Jacinto; and,

Whereas, Patriotic love for Texas and its sacred history require that this historic spot should be preserved for future generations; therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That not to exceed fifty acres of land upon and immediately surrounding the spot upon which was erected the monument by the school children of Washington county in 1900, commemorating the point where the first Capitol of Texas stood, be purchased to be held in perpetuity by the State of Texas. Said lands shall be purchased, beautified and improved under the supervision of the Governor of the State of Texas, the Superintendent of Public Buildings and Grounds, and the Attorney General, and that the sum of ten thousand (\$10,000.00) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for that purpose out of any funds in the State Treasury, not otherwise appropriated, and the Comptroller of Public Accounts is hereby authorized and directed to issue warrants on accounts approved by the Governor.

Sec. 2. The fact that many years have elapsed since the removal of the Capitol from the sacred grounds that are herein provided to be purchased; and,

Whereas, Said grounds are not

being beautified nor being preserved for the benefit of the sacred history of this Imperial State as they should be; and,

Whereas, This is a duty owed by the State to future generations, that has already been too long deferred, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, May 6, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 11, A bill to be entitled "An Act to appropriate, out of the general revenue, not otherwise appropriated, the sum of \$415,000.00 for the purpose of making repairs on and rearrangements of the State Capitol building, in the city of Austin, Texas, etc., to create a board consisting of the Governor, Commissioner of the General Land Office, Comptroller, and Attorney General, to have general supervision of the making of such repairs and rearrangements and the expenditure of such moneys, vesting such board with power to make the necessary contracts, etc., to carry out the purpose of such supervision, etc., and declaring an emergency,"

Have had the same under consideration, and I am requested to report the same back to the Senate with the recommendation that it do pass, but be not printed.

HUDSPETH, Chairman.

#### Engrossing Committee Report.

Committee Room,  
Austin, Texas, May 7, 1915.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have carefully examined and compared Senate Bill No. 10, being an Act making appropriations for the purchase of land, and erection of new buildings for the Blind Institute, and find same correctly engrossed.

WESTBROOK, Chairman.